

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HERMAN LEE BARTON, JR.,

Plaintiff,

v.

SAINT JOSEPHS PEACE HEALTH,

Defendant.

Case No. C15-0410-JCC-MAT

REPORT AND RECOMMENDATION

This is a civil rights action brought pursuant to 42 U.S.C. § 1983. Plaintiff submitted his complaint to the Court for filing on March 16, 2015, while he was confined at the Snohomish County Jail in Everett, Washington. (*See* Dkt. 1.) Plaintiff failed to submit with his complaint either the filing fee or an application for leave to proceed with this action *in forma pauperis*. Accordingly, the Clerk sent plaintiff a letter advising him that he would have to submit either the entire filing fee, or an application for *in forma pauperis* status, on or before April 17, 2015, and that his failure to do so could result in dismissal of this case. (Dkt. 2.) On March 25, 2015, the copy of the Clerk's letter mailed to plaintiff at his address of record was returned by the post office with a notation indicating that the mail was not deliverable because plaintiff had been released from the Jail. (*See* Dkt. 4.) To date, plaintiff has not provided the Court with an

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1 updated address.

2 Because over sixty days have passed since mail directed to plaintiff at his address of
3 record was returned by the post office, and because plaintiff has not notified the Court of his
4 current address, this action should be dismissed, without prejudice, for failure to prosecute
5 pursuant to Local Rule CR 41(b)(2). A proposed order accompanies this Report and
6 Recommendation.

7 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
8 served upon all parties to this suit within **twenty-one (21)** days of the date on which this Report
9 and Recommendation is signed. Failure to file objections within the specified time may affect
10 your right to appeal. Objections should be noted for consideration on the District Judge's motion
11 calendar for the third Friday after they are filed. Responses to objections may be filed within
12 **fourteen (14)** days after service of objections. If no timely objections are filed, the matter will
13 be ready for consideration by the District Judge on **July 10, 2015**.

14 DATED this 12th day of June, 2015.

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17 Mary Alice Theiler
18 United States Magistrate Judge
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